

AUG - 7 2007

JEANNE G. QUINATA
Clerk of Court

1 jinparksentcorr
2 LEONARDO M. RAPADA
United States Attorney
3 KARON V. JOHNSON
Assistant U.S. Attorney
4 Suite 500, Sirena Plaza
108 Hernan Cortez Avenue
5 Hagatna, Guam 96910
TEL: (671) 472-7332
6 FAX: (671) 472-7334

7 | Attorneys for the United States of America

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM**

11 UNITED STATES OF AMERICA,) CRIMINAL CASE NO. 06-00102
12 Plaintiff,)
13 vs.)
14 JIN WOO PARK,)
15 Defendant.)
16

17 COMES NOW the United States and hereby advises this Honorable Court that it believes
18 that the crime for which defendant is to be sentenced, Fraud in Connection with Identification
19 Documents, in violation of 18 U.S.C. §1028(a)(7), is a class A misdemeanor, rather than a
20 felony.

21 The operative facts of this case are that defendant, who had entered as a tourist and
22 remained illegally in the United States, solicited Ina Lee to help him obtain a Guam driver's
23 license. Lee was doing this for many people, using forged letters purportedly from the Internal
24 Revenue Service assigning Taxpayer Identification Numbers (TIN). Lee filed an application for
25 a Guam driver's license with a confederate in the Motor Vehicle Division, using TIN 952-797-
26 906 as defendant's means of identification. The TIN is assigned to Aracely Guitierrez. A Guam
27 driver's license was issued to defendant using this false authentication feature.

28 The penalty section of this statute, 1028(b), is rather convoluted. Section 1028(b)(2)

provides a five-year penalty for the “production, transfer, or use of a means of identification, an identification document, authentication feature, or false identification document.” This section also provides a wide range of penalties which are not applicable here, but which are all directed at the “production, transfer, or use.” Section 1028(b)(6) is a catch-all provision: the penalty for “any other case” is a one-year misdemeanor.

Although defendant, through Ina Lee, “used” the IRS TIN letter, defendant has been charged under § 1028(a)(7), which concerns knowingly possessing an authentication feature. Given that the charge is under this section, the government believes that the penalty imposed must be pursuant to § 1028(b)(6), that is, a misdemeanor.

Respectfully submitted this 7th day of August 2007.

LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and NMI

By:

~~KARON V. JOHNSON~~
Assistant U.S. Attorney